

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:13-00116

JASON HUDNALL

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On February 7, 2019, the United States of America appeared by Erik S. Goes, Assistant United States Attorney, and the defendant, Jason Hudnall, appeared in person and by his counsel, Brian D. Yost, for a hearing on the petition seeking revocation of supervised release submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a three-year term of supervised release in this action on May 27, 2016, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on January 14, 2014.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed the state and local offense of driving under the influence of a controlled substance inasmuch as on October 22, 2018, he engaged in operating a vehicle on the public highways when he was under the influence of a controlled substance, to which he pled guilty in Kanawha County Magistrate Court on January 24, 2019, at which time he was sentenced to time served, court costs and a fine; (2) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by him on April 19, 2017, for methamphetamine and buprenorphine, the defendant having acknowledged to the probation officer that he used the substances on or about April 16, 2017; (2) a positive urine specimen submitted by him on June 9 and 12, 2017, for amphetamine, methamphetamine and marijuana, the defendant having acknowledged to the probation officer that he used the substances between June 6 and 8, 2017; and his admission to the probation officer on October 11, 2018, that he had used opiates and marijuana on or about October 7, 2018, and methamphetamine on or about October 5, 2018; (3) the defendant failed to file

monthly reports for the months of December 2017, January, April, May and September 2018; (4) the defendant failed to report to the probation officer as instructed on March 29 and 30, April 11, July 20 and 30, August 6, 13 and 20, October 1, 9, 17, 22 and 29, 2018; (5) the defendant failed to notify the probation officer of his arrest on October 22, 2018; (6) the defendant failed to report for urine screens as directed on June 25 and October 22, 2018; (7) the defendant failed to report for individual substance abuse counseling sessions on December 7, 2017, February, March, April, June and July, 2018; and (8) the defendant admitted to the probation officer on October 11, 2018, that he was in possession of a device that he was attempting to use to evade successful urine detection; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

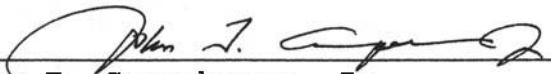
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of thirty (30) months of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B), the standard conditions as set forth in Local Rule 32.3 and the special condition that he participate in and successfully complete a residential drug treatment program for a period of not less than six months that will permit him to engage in lawful, gainful employment.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: February 21, 2019



John T. Copenhaver, Jr.
Senior United States District Judge